

ASSEMBLY BILL

No. 61

Introduced by Assembly Member Dymally

December 5, 2002

An act to amend Section 1 of Chapter 78 of the Statutes of 1993, relating to the Compton Unified School District.

LEGISLATIVE COUNSEL'S DIGEST

AB 61, as introduced, Dymally. Compton Unified School District.

Existing law provides for emergency apportionments to school districts subject to certain conditions, including the repayment of the emergency loan and the appointment by the Superintendent of Public Instruction of an administrator who exercises the powers and responsibilities of the governing board of the school district. Existing law appropriated 2 emergency loans to the Compton Unified School District that were conditioned on the district complying with certain conditions, including the assumption by the Superintendent of Public Instruction of all legal rights, duties, and powers of the school district governing board.

This bill would repeal those provisions that authorize an administrator who is appointed by the Superintendent of Public Instruction to exercise the powers and responsibilities of the Personnel Commission of the Compton Unified School District. The bill would, notwithstanding any provision of law, restore all rights, powers, and duties of a school district to the Compton Unified School District.

The bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1 of Chapter 78 of the Statutes of 1993
2 is amended to read:

3 Section 1. (a) The sum of ten million five hundred thousand
4 dollars (\$10,500,000) is hereby appropriated from the General
5 Fund to Section A of the State School Fund, without regard to
6 fiscal year, for apportionment by the Superintendent of Public
7 Instruction to the Compton Unified School District for the purpose
8 of an emergency loan. In order to qualify for that loan, the district
9 shall comply with Article 2.5 (commencing with Section 41325)
10 of Chapter 3 of Part 24 of the Education Code and the conditions
11 stipulated in this act.

12 (b) With the exception of funds that may be needed by the
13 district to meet its cash obligations, as described in subdivision (c),
14 no funds shall be disbursed from the proceeds of the loan until the
15 conditions set forth in Section 41327 of the Education Code have
16 been met.

17 (c) Based on the needs of the district to meet its cash
18 obligations, the Superintendent of Public Instruction may direct
19 the Controller to disburse, on a monthly basis, specific amounts of
20 the emergency loan prior to the approval of all the conditions
21 established by this act. Notwithstanding subparagraph (A) of
22 paragraph (2) of subdivision (a) of Section 41327 of the Education
23 Code, the emergency loan shall be repaid to the state over a period
24 of no more than eight years. The Superintendent of Public
25 Instruction shall establish a repayment schedule consistent with
26 subparagraph (A) of paragraph (2) of subdivision (a) of Section
27 41327 of the Education Code, together with interest at a rate based
28 on the most current investment rate of the Pooled Money
29 Investment Account as of the date of the disbursement of funds to
30 the district.

31 ~~(d) Because of the fiscal emergency in which the district finds~~
32 ~~itself, the Legislature finds and declares that it is necessary for the~~
33 ~~Superintendent of Public Instruction to appoint an administrator~~
34 ~~immediately. In addition, the Superintendent of Public Instruction~~
35 ~~may contract for the services of one or more persons having legal,~~

1 ~~accounting, labor negotiation, or other expertise as necessary to~~
2 ~~assist the administrator district trustee. In order to facilitate the~~
3 ~~appointment process, the State Department of Education is exempt~~
4 ~~from Part 2 (commencing with Section 10100) of the Public~~
5 ~~Contract Code and Article 6 (commencing with Section 999) of~~
6 ~~Chapter 6 of Division 4 of the Military and Veterans Code when~~
7 ~~contracting for the services of an administrator and other persons~~
8 ~~as described in this subdivision.~~

9 ~~(e) Notwithstanding Article 6 (commencing with Section~~
10 ~~45240) of Chapter 5 of Part 25 of the Education Code, the~~
11 ~~administrator appointed pursuant to this section shall assume all~~
12 ~~the legal rights, duties, and powers of the Personnel Commission~~
13 ~~of the Compton Unified School District. The existing Personnel~~
14 ~~Commission of the Compton Unified School District shall provide~~
15 ~~advice and assistance to the administrator appointed pursuant to~~
16 ~~this section.~~

17 ~~(f) The Legislature finds and declares that it is not realistic to~~
18 ~~believe that all of the district's fiscal problems may be solved~~
19 ~~immediately. During the two years immediately following the~~
20 ~~district's initial receipt of proceeds from this emergency loan, the~~
21 ~~Superintendent of Public Instruction, after consultation with the~~
22 ~~Los Angeles County Superintendent of Schools, may approve the~~
23 ~~use of timelines and criteria and standards for the submission and~~
24 ~~review of the district's budget, interim reports, and other financial~~
25 ~~reports required of the district, that vary from the timelines,~~
26 ~~criteria, and standards required pursuant to Sections 33127,~~
27 ~~41020, and 42127 to 42130, inclusive, of the Education Code, as~~
28 ~~necessary to accomplish the full fiscal recovery of the district.~~

29 SEC. 2. ~~Notwithstanding Article 2 (commencing with~~
30 ~~Section 41320) or Article 2.5 (commencing with Section 41325)~~
31 ~~of Chapter 3 of Part 24 of the Education Code, or any other~~
32 ~~provision of law, with regard to the Compton Unified School~~
33 ~~District, the Board of Trustees of the Compton Unified School~~
34 ~~District possesses and may exercise all the legal rights, duties, and~~
35 ~~powers of a school district.~~

36 SEC. 3. ~~The Legislature finds and declares that, due to the~~
37 ~~unique circumstances applicable to the Compton Unified School~~
38 ~~District, a statute of general applicability cannot be enacted within~~

- 1 the meaning of subdivision (b) of Section 16 of Article IV of the
- 2 California Constitution.

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